

August 8, 2008

Iowa Department of Natural Resources,
Land Quality Bureau
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319-0034

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Attention: Mr. Chad A. Stobbe

Re: Proposed Amendments
Title 567 Iowa Administrative Code Chapter 108
Terracon Project Number 07087037

Dear Mr. Stobbe:

Lafarge North America (Lafarge) operates a cement production facility at its location in Buffalo, Iowa. Processes at the facility include a rock quarry that provides the source of raw materials for the cement kiln. Quarry operations result in the generation of materials including soil overburden from stripping soil and rock to expose the desired formations for cement production and rock that doesn't meet quality control requirements. Historically, the soil overburden and unusable rock has been beneficially reused to fill abandoned portions of the quarry. In addition, Lafarge sweeps paved access drives at the plant site to control fugitive dust emissions. The collected material, consisting primarily of dust from the handling of aggregate and from cement production, has also been beneficially reused to fill abandoned portions of the quarry.

Terracon Consultants, Inc. (Terracon), on behalf of Lafarge, has reviewed the proposed revisions to Title 567 Iowa Administrative Code (IAC) Chapter 108, titled *"Beneficial Use Determinations: Solid By-Products as Resources and Alternative Cover Material"*. The rules, as proposed, identify solid by-products that have been universally approved for beneficial reuse, provide procedures for beneficial use determinations, and establish requirements for the beneficial use of fill material. The intent and applicability of the proposed rules on Lafarge's operations is unclear. Terracon is providing comments on the proposed rules and is requesting clarification of the proposed rule, in regards to Lafarge's operations, from the Iowa Department of Natural Resources (IDNR).

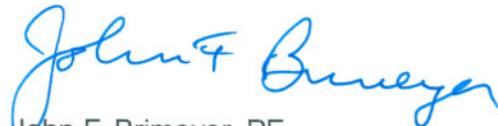
It is our understanding that in accordance with 567 IAC 108.6, the use of solid by-products as fill in a quarry is not a beneficial reuse activity and that such fill projects must be permitted and operated in accordance with applicable sanitary disposal requirements. We further understand that a solid by-product is a secondary material or residual that would otherwise be disposed of as solid waste. It is our opinion that soil overburden, unusable rock, and street sweepings containing primarily aggregate and cement dust is not solid waste. These materials are excavated, hauled, and placed as fill material, without restriction, on construction sites across the state on a daily basis. The soil overburden, unusable rock, and street sweepings are not processed in any way that would change the nature or characterization of the material resulting in a waste designation. Since they do not

meet the definition of a solid waste or a solid by-product, it is our opinion that the soil overburden, unusable rock, and street sweepings can continue to be used as fill material without triggering beneficial reuse or sanitary disposal requirements.

Further, 567 IAC 108.4 identifies materials that have been universally approved for beneficial reuse. Specifically, 567 IAC 108.4(12) identifies rubble including dirt, stone, brick or other inorganic material and 567 IAC 108.4(14) identifies uncontaminated soil that may be beneficially reused. If the IDNR contends that soil overburden, unusable rock, and street sweepings are a solid by-product and a solid waste, it is our opinion that the materials meet the definitions for the universally approved determinations identified.

Terracon and Lafarge request that the IDNR review our comments and opinions and provide clarification regarding the intent and applicability of the proposed rules on the activities identified. Thank you for your consideration of this matter.

Sincerely
TERRACON



John F. Brimeyer, PE
Environmental Manager

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cc: Mr. Nalin Joshi, Lafarge North America